

Notice of Allowability

Application No.

10/821,516

Examiner

ROMAIN JEANTY

Applicant(s)

KOWALCHUK, CRAIG W.

Art Unit

3623

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Received on April 9, 2004.
2. ☒ The allowed claim(s) is/are 1-4, 6-18 and 20-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Romain Jeanty/
Primary Examiner, Art Unit 3623

Examiner's Amendment

1. An examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian McCormack on June 17, 2008.

This listing of claims will replace all prior versions, and listings, of claims in the application:

In the claims:

1. (Amended) A method for selecting a target group of consumers from a larger group of consumers in a computer database, the method comprising:

providing at least non-attitudinal variables for each consumer in the database, choosing a random subgroup of consumers from the larger group, gathering attitudinal data based on attitudinal variables from each member of the subgroup, wherein the attitudinal data gathered from each of the subgroup are selected from the group of attitudinal attributes consisting of brand loyalty, price sensitivity, the importance of quality versus price, brand name appeal, status or image, style or fashion, technology loving or hating, purchasing convenience, the attitudinal data being unavailable on the database, creating attitudinal segments defined by attitudinal dimensions based on the attitudinal data, assigning each member of the subgroup to one of the attitudinal segments using the attitudinal data corresponding to each member of the subgroup,

identifying a plurality of the non-attitudinal variables for each member of the subgroup based on strength of relationship between each of the non-attitudinal variables of the subgroup members and the dimensions that define each member's corresponding attitudinal segment, calculating a probability score for each member of the subgroup based on a degree of fit between each member of the subgroup and their corresponding attitudinal segment, developing mathematical algorithms each corresponding to a separate one of the attitudinal segments ~~and capable of~~ substantially for predicting the probability score for each of the subgroup members with respect to their corresponding attitudinal segment using the identified plurality of non-attitudinal variables and their corresponding calculated probability score, calculating via a computer a probability score for each of the consumers in the larger group based on a degree of fit between each of the consumers in the larger group and any of the attitudinal segments by applying at least one of the developed algorithms to each consumer in the larger group and selecting the target group of consumers from the larger group based on the calculated probability score for each of the consumers of the larger group.

2. (Original) A method according to claim 1, wherein gathering attitudinal data from each of the subgroup comprises administering a survey to each of the subgroup.

3. (Original) A method according to claim 2, wherein creating attitudinal segments defined by attitudinal dimensions further comprises determining the attitudinal dimensions from responses to the survey by the subgroup.

4. (Original) A method according to claim 1, wherein creating attitudinal segments further comprises predetermining a number of desired attitudinal segments.

5. (Canceled).

6. (Original) A method according to claim 1, wherein the non-attitudinal variables are objective variables selected from the group consisting of gender, income, home-ownership, age, parenthood, education, geographic location, and ethnicity.

7. (Original) A method according to claim 1, wherein choosing a random subgroup of consumers from the larger group further comprises eliminating from consideration a portion of the consumers in the database based on a pre-selected variable, and randomly selecting the subgroup from the remaining number of consumers.

8. (Original) A method according to claim 7, wherein the pre-selected variable is an objective variable.

9. (Original) A method according to claim 1, wherein the database includes approximately 85,000,000 consumers.

10. (Original) A method according to claim 1, wherein the subgroup includes approximately 20,000 consumers.

11. (Original) A method according to claim 1, wherein the database includes over 300 non-attitudinal variables.

12. (Original) A method according to claim 1, wherein the target group represents approximately 5-25% of the consumers in the database.

13. (Original) A method according to claim 1, wherein at least two of the plurality of non-attitudinal variables are cross-correlated and therefore not independent of each other, the method further comprising selecting only one of the at least two non-attitudinal variables for the identified plurality.

14. (Original) A method according to claim 1, wherein selecting the target group comprises ranking consumers in the larger group by their respective probability score, and selecting a plurality of the consumers from the larger group based on their ranking.

15. (Amended) A system for selecting a target group of consumers from a larger group of consumers, the system comprising: a database storing the larger group of consumers and storing at least non-attitudinal variables for each consumer in the database, a subgroup of consumers randomly selected from the larger group; a list of attitudinal data unavailable on the database and gathered from each of the subgroup, wherein the attitudinal data are selected from the group of attitudinal attributes consisting of brand loyalty, price sensitivity, the importance of quality versus price, brand name appeal, status or image, style or fashion, technology loving or hating, purchasing convenience, the attitudinal data based on attitudinal variables, and a computer coupled to the database, the computer configured to receive the list of attitudinal data and the subgroup of consumers, and configured and programmed to: (a) create attitudinal segments defined by attitudinal dimensions based on the received attitudinal data, (b) assign each of the subgroup to one of the attitudinal segments using the attitudinal data corresponding to each of the subgroup, (c) identify a plurality of the non-attitudinal variables for each of the subgroup based on strength of relationship between each of the non-attitudinal variables of the subgroup members and dimensions that define the attitudinal consumer segments (d) using a computer to calculate a probability score for each member of the subgroup based on a degree of fit between each member of the subgroup and their corresponding attitudinal segment, (e) develop mathematical algorithms each corresponding to a separate one of the attitudinal segments ~~and~~ capable of substantially for predicting the probability score for each of the subgroup members

with respect to their corresponding attitudinal segment using the identified plurality of non-attitudinal variables and their corresponding calculated probability score, (f) calculate a probability score for each of the consumers in the larger group based on a degree of fit between each of the consumers in the larger group and any of the attitudinal segments by applying at least one of the developed algorithms to each consumer in the larger group, and (g) select the target group of consumers from the larger group based on the calculated probability score for each of the consumers of the larger group.

16. (Original) A system according to claim 15, wherein the list of attitudinal data comprises responses to a survey administered to each of the subgroup.

17. (Original) A system according to claim 15, wherein the computer is further programmed to create attitudinal segments defined by attitudinal dimensions by determining the attitudinal dimensions from the responses to the survey.

18. (Original) A system according to claim 15, wherein the computer is further programmed to identify a predetermined number of desired attitudinal segments.

19. (Canceled).

20. (Original) A system according to claim 15, wherein the non-attitudinal variables are objective variables selected from the group consisting of gender, income, home-ownership, age, parenthood, education, geographic location, and ethnicity.

21. (Original) A system according to claim 15, wherein the random subgroup of consumers is created after eliminating from consideration a portion of the consumers in the database based on a pre-selected variable, and randomly selecting the subgroup from the remaining number of consumers.

22. (Original) A system according to claim 21, wherein the pre-selected variable is an objective variable.

23. (Original) A system according to claim 15, wherein the database includes approximately 85,000,000 consumers.

24. (Original) A system according to claim 15, wherein the subgroup includes approximately 20,000 consumers.

25. (Original) A system according to claim 15, wherein the database includes over 300 non-attitudinal variables.

26. (Original) A system according to claim 15, wherein the target group represents approximately 5-25% of the consumers in the database.

27. (Original) A system according to claim 15, wherein at least two of the plurality of non-attitudinal variables are cross-correlated and therefore not independent of each other, and the computer is further programmed to select only one of the at least two non-attitudinal variables for the identified plurality.

28. (Original) A system according to claim 15, wherein the computer is further configured and programmed to rank consumers in the larger group by their respective probability score, and then (g) select the target group of consumers from the larger group based on their ranking.

Allowable Subject Matter

2. Claims 1-4, 6-18 and 20-28 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is to Jackson et al. (Strategic Database Marketing) in view of Mugo (Sampling in Research). The combination of Jackson et al and Mugo fails to teach attitudinal data that are selected from the group of attitudinal attributes consisting of brand loyalty, price sensitivity, the importance of quality versus price, brand name appeal, status or image, style or fashion, technology loving or hating, purchasing convenience, and calculating via a computer a probability score for each of the consumers in the larger group based on a degree of fit between each of the consumers in the larger group and any of the attitudinal segments by applying at least one of the developed algorithms to each consumer in the larger group and selecting the target group of consumers from the larger group based on the calculated probability score for each of the consumers of the larger group, as recite in independent claim 1.

The closest prior art of record is to Jackson et al. (Strategic Database Marketing) in view of Mugo (Sampling in Research). The combination of Jackson et al and Mugo fails to teach attitudinal data that are selected from the group of attitudinal attributes consisting of brand loyalty, price sensitivity, the importance of quality versus price, brand name appeal, status or image, style or fashion, technology loving or hating, purchasing convenience, wherein the attitudinal data are selected from the group of attitudinal attributes consisting of brand loyalty, price sensitivity, the importance of quality versus price, brand name appeal, status or image, style or fashion, technology loving or hating, purchasing convenience, and calculating a probability score for each of the consumers in the larger group based on a degree of fit between each of the

consumers in the larger group and any of the attitudinal segments by applying at least one of the developed algorithms to each consumer in the larger group, and (g) select the target group of consumers from the larger group based on the calculated probability score for each of the consumers of the larger group, as recited in independent claim 15.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Samra et al (U.S. Patent No. 6,970,830). Tamra et al teaches a method and systems for identifying and marketing to segments of potential customers.

b. Charles X. Ling (Data Mining for Direct Marketing: Problems and Solutions), discloses the concept of direct marketing.

c. Seller et al (Center for Research on Information Technology and Organizations), discloses the concept of database marketing.

d. S.S. Anand (A Data Mining methodology for cross-sales), discloses the use of Data Mining to provide a solution to the problem of cross-sales.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571)272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RJ/

July 17, 2008

/Romain Jeanty/

Primary Examiner, Art Unit 3623